

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DELTA FRANGIBLE AMMUNITION, LLC, )  
  )  
Plaintiff,                          ) Civil Action No. \_\_\_\_\_  
  )  
v.                                    ) Jury Trial Demanded  
  )  
SINTERFIRE, INC.,                  )  
  )  
Defendant.                          )

**COMPLAINT**

Plaintiff Delta Frangible Ammunition, LLC (“Delta”), through its counsel, hereby alleges the following for its Complaint against Sinterfire, Inc. (“Sinterfire”):

1. This is a civil action for the infringement of United States Patent No. 6,074,454 entitled “Lead-Free Frangible Bullets and Process for Making Same” (“the ‘454 patent”). This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a). Venue is proper under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b).
2. Plaintiff Delta is a Virginia limited liability company, having its principal place of business at 666 Fifth Avenue, 8<sup>th</sup> Floor, New York, New York 10103
3. On information and belief, Defendant Sinterfire has a principal place of business at 200 Industrial Park Road, Kersey, Pennsylvania 15846. Defendant Sinterfire does business in this District.
4. Delta is the owner, by assignment, of the ‘454 patent which was duly and lawfully issued by the United States Patent and Trademark Office on June 13, 2000. A true and correct copy of the ‘454 patent is attached hereto as Exhibit A.

5. Upon information and belief, Sinterfire is manufacturing, selling and/or offering to sell products that infringe the claims of the '454 patent under 35 U.S.C. § 271. Sinterfire is directly infringing, contributorily infringing and/or inducing the infringement of the '454 patent. Sinterfire will continue to infringe the '454 patent unless enjoined by this Court.

6. Delta has placed the required statutory notice on the products manufactured and sold by Delta and/or its licensees which embody the invention of the '454 patent.

7. Sinterfire's activities in infringing the '454 patent are willful and wanton, constituting willful infringement of such United States Patent under 35 U.S.C. § 285.

8. Delta has been irreparably damaged and will continue to be irreparably damaged by reason of Sinterfire's infringement of the '454 patent unless this Court restrains the infringing acts of Sinterfire. Delta is without an adequate remedy at law.

WHEREFORE, Plaintiff Delta Frangible Ammunition, LLC prays:

A. that Defendant Sinterfire, its officers, employees, agents, and those persons in active participation with them be permanently enjoined from infringing United States Patent No. 6,074,454;

B. that a decree be entered adjudging that Defendant Sinterfire infringed United States Patent No. 6,074,454 and that such infringement was willful;

C. that Defendant Sinterfire be ordered to pay damages to Delta pursuant to 35 U.S.C. § 284, including interest from the dates of infringement, resulting from Defendant Sinterfire's infringement of United States Patent No. 6,074,454;

D. that Defendant Sinterfire be ordered to pay to Delta treble damages pursuant to 35 U.S.C. § 284, resulting from Defendant Sinterfire's willful infringement of United States Patent No. 6,074,454;

E. that Plaintiff Delta be awarded its costs of this action and reasonable attorneys' fees pursuant to 35 U.S.C. § 284 and 285; and

F. that Plaintiff Delta be awarded such further relief as this Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff Delta hereby demands a trial by jury for all issues triable by a jury.

Respectfully submitted,

Dated: November 6, 2006

  
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